



APPROVED
SUMMARIZED MINUTES

**CITY OF SCOTTSDALE
TRANSPORTATION COMMISSION
REGULAR MEETING**

THURSDAY, OCTOBER 18, 2018

**KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

1. CALL TO ORDER

Chair called the regular meeting of the Scottsdale Transportation Commission to order at 5:16 p.m.

2. ROLL CALL

PRESENT: Barry Graham, Chair
Pamela Iacovo, Vice Chair
Don Anderson
George Ertel
Renee Higgs
Michael Kuzel
B. Kent Lall

STAFF: Paul Basha, Transportation Director
Lisa Johnson, Transportation Planning and Transit Operations Manager
Brent Stockwell, Assistant City Manager
Susan Conklu, Senior Transportation Planner
Sam Taylor, Traffic Engineering Analyst

GUESTS: Jane Larson

3. PUBLIC COMMENT

Chair invited public comments. There were none.

4. APPROVAL OF MINUTES

Vice Chair made a typographical correction.

- Regular Meeting of the Transportation Commission – September 20, 2018

COMMISSIONER ANDERSON MOVED TO APPROVE THE REGULAR MEETING MINUTES OF THE TRANSPORTATION COMMISSION ON SEPTEMBER, 2018 AS AMENDED. COMMISSIONER HIGGS SECONDED THE MOTION, WHICH CARRIED 7-0 WITH CHAIR GRAHAM, VICE CHAIR IACOVO, COMMISSIONERS ANDERSON, ERTEL, HIGGS, KUZEL AND LALL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

Commissioner inquired as to the time frame on working with the Region on the trolley system to have AVL Clever Devices. Paul Basha, Transportation Director, confirmed that the City is implementing the devices as they purchase new vehicles. They are being installed on a regular basis with existing vehicles and the expectation is that all will be installed within three months.

5. PATH AND TRAILS APPOINTMENT

Mr. Basha invited Chair to make the appointment.

CHAIR GRAHAM APPOINTED COMMISSIONER ERTEL TO THE PATHS AND TRAILS SUBCOMMITTEE. COMMISSIONER LALL SECONDED THE MOTION, WHICH CARRIED 7-0 WITH CHAIR GRAHAM, VICE CHAIR IACOVO, COMMISSIONERS ANDERSON, ERTEL, HIGGS, KUZEL AND LALL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

6. TRANSPORTATION COMMISSION BYLAWS

Chair stated that this agenda item will change the start time of meetings in the bylaws. Mr. Basha stated that the bylaws previously mandated at 6:00 starting time and the starting time has been eliminated. The proposed revision will mandate meeting the third Thursday of the month with no mention as to starting time.

In response to a Commissioner question, Mr. Basha stated that the meeting time for the next meeting does not need to be specified upon adjournment of the previous meeting. The start time will be 5:15 p.m., unless the Commission wishes to change the time. Agendas must be posted a week in advance and they include start times.

Commissioner asked about the inclusion of a break time between 7:00 and 7:30 p.m. Mr. Basha noted that this would be up to the discretion of the Chair at any meeting at any time.

COMMISSIONER KUZEL MOVED TO APPROVE THE REVISION OF TRANSPORTATION COMMISSION BYLAWS TO REMOVE THE MANDATED MEETING START TIME. COMMISSIONER HIGGS SECONDED THE MOTION, WHICH CARRIED 7-0 WITH CHAIR GRAHAM, VICE CHAIR IACOVO, COMMISSIONERS ANDERSON, ERTEL, HIGGS, KUZEL AND LALL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

7. BICYCLE & RELATED VEHICLE ORDINANCE

Mr. Basha stated that City Council is tentatively scheduled to consider this topic on November 13th. The Transportation Department will report the Commission's recommendation to City Council in the Council report. He provided an overview of the proposed ordinance, which covers bicycles, electric bicycles and stand-up electric mini-scooters. The ordinance allows a maximum of five parked devices by the same owner within 200 feet. Upon notification by anyone of the existence of more than five devices within 200 feet, the owner of the device would have two hours to remove it. In addition, it is illegal for a device to remain on public or private property for more than 72 hours. The police chief is allowed by the ordinance to designate specific bicycle parking areas.

The devices can only be on private property with permission of the property owner. There are two exceptions: Nonresidential property open to the public (restaurant or retail) and multifamily residences. There are three classes of electric bicycles and their definitions conform to state law. The proposed ordinance states that electric bicycles used in a bicycle lane or motor vehicle lane must comply with all laws pertinent to all vehicle operators. Class I and II electric bicycles can be used on sidewalks or shared use paths. Because of the potential for higher speeds, Class III electric bicycles cannot be used on sidewalks and shared use paths. The stand-up electric mini-scooters can be used on sidewalks and shared use paths and on roadways with a speed limit of 35 mph or lower. While on roadways, the operator must comply with all vehicle operator laws.

Bicycles are permitted on sidewalks and permitted to ride on wrong-way sidewalks. Nonexpert riders should not be forced to ride in the street. There are some street locations with a sidewalk only on one side of the streets, which is the reason that wrong-way sidewalk bike riders are permitted. The ordinance contains three provisions police may enforce: Reckless riding, traveling at a speed greater than reasonable and prudent, failure to yield to pedestrians and all other vehicles.

In summary, the ordinance addresses the following:

- Addresses aesthetic concerns of the Commission and the Transportation Department
- Improves safety
- Increases company response
- Allows sidewalk and shared use path use
- Conforms to state law
- Provides legislative immunity to the City of Scottsdale

Chair invited public comments. Jane Larson introduced herself as a cyclist and frequent rider for Cycle the Arts in the spring as well as rider leader for Phoenix Metro Bicycle Club. She rides a pedal bike. She noted that the ordinance contains one paragraph on where people can park bicycles and 15 paragraphs on where they may not be parked. There is a clear need for the placement of bike racks throughout the City. She questioned the time frame of two hours for an electric bicycle to remain on public property. She also cited the issue of pedestrians failing to keep to the right on paths. More education, enforcement and signage is needed.

Commissioner suggested modifying 1785A, which addresses parking, to limit parking of any of the devices to a bicycle rack or a designated parking area only. This limits the section which provides exceptions in prohibited places. Mr. Basha said this issue has been debated at length

many times. The City has very few designated parking areas. Limiting parking to those areas would constrain bicycle use. The police department has asked the City to have specific ordinance provisions detailing where these devices are prohibited to park.

In terms of Ms. Larson's comment regarding the two-hour time limit, this is a balance to address the interests of the riders as well as the nonrider. The bike share companies indicated that a two-hour window would be appropriate for device removal.

Brent Stockwell, Assistant City Manager, addressed the list of 15 places with prohibited parking. Enforceable ordinances tell people what they cannot do, rather than what they can do. Staff added the paragraph providing information on where riders are permitted to park based on suggestions at a previous meeting. The police will rely on the ordinance for enforcement purposes and must be able to cite to specific provisions.

Commissioner referred to the plan to have device parking every 200 feet in the City, and suggested accelerating the process by beginning to install signs in the designated spots. Susan Conklu, Senior Transportation Planner, said the Department is open to possibilities regarding what the study recommends, including phasing in installation. Mr. Stockwell added that it will be quite some time before the City meets the goal of having parking infrastructure in place every 200 feet.

In response to a Commissioner question, Mr. Basha stated that staff will consider the possibility of having signage to designate the pedestrian use of one side of a sidewalk and bike use on the other side.

In response to a Commissioner question, Mr. Stockwell stated that each day of a parking violation beyond 72 hours constitutes a separate violation. If the device was parked in the wrong place and inoperable, only one citation would be issued.

Commissioner inquired as to the methods for issuing citations. Mr. Basha stated that tickets can be affixed to the device in violation. In addition, the City knows the business address of the companies and can provide the citations to those addresses.

Commissioner referred to Section 1789, riding under the influence and noted that it does not include bicycles. He asked if it is covered in a different ordinance. Mr. Stockwell surmised that this is likely intentional, as the other devices each have some sort of motor, rather than being human powered. If the Commission recommends including it, staff will pass the recommendation along.

In response to a Commissioner question, Ms. Conklu said horses are only allowed on multiuse paths depending on the location and type of easement.

Commissioner inquired as to the prohibition of Class 3 versus a Class 2 pedal assist electric bicycle. Mr. Basha said it is difficult to draw the line. Some users of shared use facilities have physical limitations, yet want to remain very active. The City wanted to encourage pedal assist bicycle use. Class 1 and 2 are of this type. Class 3 is closer in some respects to a motorcycle. Mr. Stockwell added that a new state law took effect in August which states that electric bicycles have the same rights and responsibilities as bicycles. Class 1 and 2 are 20 miles per hour or less and Class 3 is up to 28 miles an hour. Commissioner commented that there does not seem to be a true safety basis, as there is only an 8 mile per hour difference. The City can set a 15 mph maximum on the shared uses paths, which solves the issue.

Commissioner cautioned against allowing wrong way riding on bicycles, particularly in regards to crossing driveways while riding counterflow. Ms. Conklu asked for Commissioner's thoughts on an Idaho stop at driveways or crosswalks. Commissioner said he is all for it. An Idaho stop allows cyclists to stop a red light and then continue through without having to wait for it to change. Mr. Stockwell surmised that this issue might be covered under 1780, 1781 and 1782, but that staff could certainly make this recommendation. Commissioner said that from a legal perspective, Scottsdale has no law prohibiting cycling on the sidewalk or riding across driveways. The state has no law. A longstanding legal decision allows for the behaviors, unless prohibited by the City. Mr. Basha suggested that the Commissioner make a motion to include such provisions. Any motion will be included in the report to the City Council.

Commissioner expressed concern that unskilled riders will be purchasing and riding electric bicycles without any safety training or education on the laws.

Commissioner inquired as to where money collected for fines would go. Mr. Stockwell said it would go to the General Fund. Commissioner suggested it go into a safety and education fund.

Commissioner inquired as to prohibited parking on granite areas. Mr. Stockwell explained that bikes are parked in many City-maintained areas in Old Town. Because irrigation lines run under the decomposed granite, the City may incur repair costs and damage wastes water.

Commissioner commented that in public spaces, unless there is a designated area, it should be assumed that parking is prohibited.

Commissioner referred to 1785J, which addresses parking except as authorized by City limits and assumes that this refers to undesignated spaces on public property. Mr. Basha said this is referencing special events, such as Spring Training at San Francisco Giants Stadium. The intent is to allow via City permit having more than five bikes by one owner.

Commissioner noted the importance of educating the public on the ordinance. Mr. Basha said the Department intends to publicize the ordinance frequently and in multiple locations. The City has had an extremely cooperative relationship with one of the bike share businesses, and the Department will ask them to include several of the provisions in their information for customers. Social media will also be used extensively.

Chair asked why the language uses "mini-scooter," versus scooter in the definition. Mr. Stockwell stated that "mini" is used, because Arizona Revised Statutes includes scooters as motorized vehicles. In order to regulate them, they need to be defined as a different type of device, which is the City is authorized to regulate. Chair inquired as to why they must be referred to as "stand-up electric mini-scooter," rather than "motorized scooter." Mr. Stockwell stated that when stand-up electric mini-scooters began showing up in Scottsdale in May of this year, the first strategy was to enforce the motorized skateboard ordinance. It became clear that if this stance continued, there might be a legal challenge on the definition.

Commissioner suggested having generic pictures included in the ordinance to provide a visual representation of the devices. Mr. Basha stated that staff would investigate this possibility. It is difficult to show generic photos that are not proprietary to the manufacturer.

Chair referenced Section 1779, "Refusing to provide truthful name and date of birth when lawfully detained; penalty." He asked whether this is necessary for the ordinance. Mr. Stockwell

said it is particularly applicable to this section, because it applies to bicycles and related devices that do not require a driver's license to operate.

Chair asked how many people register their bikes. Mr. Stockwell said most do register their bikes and the City has a mechanism for them to do so easily. The predominant reason people register is to get their bike back if it is stolen or lost.

In response to a question from Chair, Mr. Basha stated that staff would prefer a motion and voice vote to include any recommendations for changes by Commissioners.

COMMISSIONER LALL MOVED TO ADD THE FOLLOWING LANGUAGE TO SECTION 17085 SUBSECTION J, "ONLY IN RACKS AND DESIGNATED AREAS."

Mr. Stockwell referred to A, "A person shall park their bicycle, electric bicycle and other devices in a bicycle rack or designated bicycle parking area," noting that this would carry through the entire area, including Subsection J.

MOTION DIED FOR LACK OF A SECOND.

COMMISSIONER KUZEL MOVED TO AMEND 17-82 TO INCLUDE SIDEWALKS, CLARIFY LANGUAGE. COMMISSIONER ERTEL SECONDED THE MOTION, WHICH CARRIED 7-0 WITH CHAIR GRAHAM, VICE CHAIR IACOVO, COMMISSIONERS ANDERSON, ERTEL, HIGGS, KUZEL AND LALL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

COMMISSIONER KUZEL MOVED TO APPROVE THE ORDINANCE AS AMENDED. COMMISSIONER HIGGS SECONDED THE MOTION, WHICH CARRIED 7-0 WITH CHAIR GRAHAM, VICE CHAIR IACOVO, COMMISSIONERS ANDERSON, ERTEL, HIGGS, KUZEL AND LALL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

Commissioners took a recess at 7:11 p.m. and returned at 7:19 p.m.

8. CAPITAL IMPROVEMENT PROJECTS

The CIP is a five-year program. The first year includes a very strong recommendation. In the subsequent years, project priorities are less solid, as they will be revisited. It is requested that the Commission focus on projects high on the priority list and less on the projects lower on the priority list. The projects on the existing current list are either in design or construction.

In response to a Commissioner question, Mr. Basha confirmed that the project at Happy Valley from Pima to Alma School will have a roundabout.

Commissioner noted that it would be helpful to have a total cost for all projects.

The highest ranked projects are as follows:

- Sidewalk improvements
- Bikeway improvements
- Trail improvements
- Transit stop improvements

- Indian Bend Wash shared use path signs
- Hayden and Chaparral right turn lane

The first four projects include annual funding. The City has an annual budget of \$200,000 to design and construct missing sidewalk connections. The next five years already have this annual budget in the current CIP. Staff requests that the fifth year of the program be included. Commissioner asked if the budget is for new construction or maintenance. Mr. Basha stated they are not strictly for new construction and might include reconstruction or extensive repair. There is a separate budget for maintenance.

Mr. Basha addressed the Indian Bend Wash shared use path signs. A consultant was hired and there were several meetings on the topic with the Commission. A sign package has been designed with a City of Scottsdale brand logo, including specific colors and fonts.

The Hayden and Chaparral right-turn lane should be commensurate with a current underpass project beneath Chaparral Road adjacent to Hayden Road. Funding for the project is at 85 to 95 percent from outside sources. The intent is to include a northbound right turn lane on Hayden Road at Chaparral Road with the project (northbound on Hayden to travel eastbound on Chaparral). It is more expensive than a typical right turn lane, due to drainage considerations and elevation differences.

Mr. Basha addressed arterial life cycle projects, which are specifically intended for construction should the sales tax election pass on November 6th. In response to a Commissioner question, Mr. Basha noted that approximately \$170 million would come from MAG and approximately \$70 million from the City in the budget.

Commissioner asked about a potential time frame for completion if the sales tax does not pass. Mr. Basha stated that other projects would have to be reprioritized. Some projects can be constructed without the sales tax election passing. However, this means that other worthy projects will not be constructed. Such decisions will be made by City Council with recommendations from the Transportation Commission. If the sales tax election does not pass, some of the projects may never be constructed.

The list of future projects (referred to in previous years as unmet needs) are not currently funded. They are listed in order of priority. Commissioner referenced Project 30, runway capacity and safety and asked what this entails. Mr. Basha stated this typically refers to construction of a turn lane but may occasionally include adding a through lane.

Commissioner asked if the project numbering refers to the likelihood of a project moving forward. Mr. Basha stated that the numbering reflects the likelihood of eventual construction. The date provided is a hoped for date of completion.

Commissioner referenced Item 28, 98th at McDowell Mountain Ranch Road half-street and asked for clarification on half-street. Mr. Basha said that currently, 98th Street north of McDowell Mountain Ranch Road only exists east of the center line. The roadway was constructed by the adjacent developer. When the development on the west side occurs, the City would stipulate that the developer construct the west half-street, to create a full street. The difficulty is that the City owns the property and it may or may not be sold. The City believes the missing lane should be constructed.

Commissioner asked for clarification on how Project 23, Alma School and Jomax, would be addressed. Mr. Basha explained that it is an offset intersection. The intersection from the east is north of the intersection from the west. The plan is to combine it into a roundabout, which does not require the sides to align. The elevation of the existing hill will have to be lowered.

Chair asked how the list will change if the sales tax election fails. Mr. Basha said if the election passes, the current list is a more certain likelihood. If it fails, the list becomes substantially less likely. If the election fails, there will be a need to reorder the priorities, and staff may return to the Commission to reprioritize projects.

Commissioner referenced Project 41, Thomas, 60th to 73rd: Narrow Thomas to four lanes and asked whether lanes will be lost. Mr. Basha stated that currently Thomas is two lanes westbound and three lanes eastbound. It is now evident that traffic volumes do not support the six-lane major arterial. In the last Transportation Master Plan, this street was reclassified to a four-lane minor arterial. The project removes the third eastbound lane and replaces it with a raised landscaped median and bicycle lanes.

Commissioner asked about the scope Project 33, traffic signal construction. Mr. Basha stated the project addresses occasional new signal placement needs. Most of the funding is used to revitalize existing signals, perhaps with left turn lanes. There is separate funding for upgrades to video detection. It has been decreed by the City that roundabouts are the first choice for intersections. Only if a traffic signal is proved superior to a roundabout is one installed (as applicable to one lane and two lane per direction roads).

Commissioner asked whether Prop 420 would affect Project 63, 128th Ranch Gate to Dynamite. Mr. Basha stated that there would be no impact, because the land involved is not Preserve land. The land is City right-of-way for roadway purposes.

Chair summarized that the Commission has not set forth any revisions to the priority list as present by Mr. Basha.

COMMISSIONER ERTEL MOVED TO RECOMMEND THE CAPITAL IMPROVEMENT PROJECTS AS PRESENTED. COMMISSIONER LALL SECONDED THE MOTION.

Discussion:

Vice Chair asked how many more times the list will be likely to change between now and June or whether the Commission will be asked to review and recommend for the next five-year CIP. Mr. Basha stated that there is the potential for changes. It will next go to the City Manager's Technical Review Committee, at which time the priorities may change. There may be some cost advantages to reprioritize projects. The Technical Review Committee will make a recommendation to the City Manager, who then evaluates the list and might make changes. The City Manager in turn makes a recommendation to City Council. Council then has an opportunity to change the priority list. It is not envisioned that the Transportation Commission will be asked for a further recommendation. If significant prioritization changes are made, the Transportation Commission will absolutely be informed.

THE MOTION CARRIED 7-0 WITH CHAIR GRAHAM, VICE CHAIR IACOVO, COMMISSIONERS ANDERSON, ERTEL, HIGGS, KUZEL AND LALL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

9. OTHER TRANSPORTATION PROJECTS AND PROGRAM STATUS

There were no comments.

10. PUBLIC COMMENT

There were no comments.

11. COMMISSION IDENTIFICATION OF FUTURE AGENDA ITEMS

Commissioner noted that he and a fellow Commissioner had recently visited the traffic center. Scottsdale has a unique approach to managing fatal accidents in terms of controlling the accident scene and traffic flow. Commissioner suggested a presentation on the legal and other impacts of accidents on traffic flow. Commissioner added that discussion should the process used for investigation of fatal accidents. Mr. Basha said this will be included on a future agenda.

Mr. Basha said there is currently only one item for the December agenda and suggested a possible cancelation of that meeting. There was agreement to tentatively cancel the December meeting, unless the director subsequently advises holding the December meeting.

12. ANNOUNCEMENTS

Mr. Basha announced new staff member, Sam Taylor as a new traffic engineering analyst. He will be providing a presentation next month.

13. ADJOURNMENT

With no further business to discuss, Vice Chair Iacovo moved to adjourn the meeting. Commissioner Kuzel seconded. The meeting adjourned at 8:41 p.m.

AYES: Chair Graham, Vice Chair Iacovo, Commissioners Ertel, Graham, Anderson, Ertel, Higgs, Iacovo, Kuzel and Lall.

NAYS: None

SUBMITTED BY:

eScribers, LLC

***Note: These are summary action meeting minutes only. A complete copy of the audio/video recording is available at <http://www.scottsdaleaz.gov/boards/transp.asp>**